UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

JUAN TAJALLE, Plaintiff vs. **CITY OF SEATTLE, SEATTLE PUBLIC LIBRARY, OFFICER SAM 8,** a.k.a. **JOHN DOE #1**, and **JOHN DOE #2,** Defendants	**No. C07-1509TSZ** **DECLARATION OF JUAN TAJALLE**

DECLARATION

The undersigned, declares as follows:

I am the plaintiff in this action, an American citizen of Porteguese Polynesian descent. I make the following statement on personal knowledge and belief in support of my claim for damages against the Seattle Public Library. On June 14th, 2006, I was on the first floor of the Seattle Public Library about to enter the elevator. I sneezed due to a sinusitis condition I have in my left nostril of my nose. I was diagnosed with this condition when I was in the military in 1965. At times this causes me to involuntarily sneeze. This happens quite often when I visit the Public library, which is due to unclean clothes worn by the homeless. At this point I noticed that the two security guards were laughing. It suddenly became obvious that they were in the process of ejecting another patron who appeared to be homeless who was just sitting by one of the desks

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by the security guards and bothering no one. In the process of ejecting him they also humiliated him by laughing at him and creating a scene. When they finally persuaded the patron to get out of the chair and leave, I walked over to their posts and quietly asked them what it was that they were laughing at. I felt the guards were acting unprofessionally towards the homeless person so I just said hi to this individual in a show of support for the guards inappropriate behavior towards him. I had been working as a volunteer for the homeless entities in downtown Seattle for 5 years and it had been my experience that police or security officers would let up on inappropriate behavior if they knew there was a supportive witness.

I had quietly asked them if they were laughing at me and at this point the one security guard known as Sam-8 got up out of his chair abruptly and gave me a threatening response. I quietly stated that all I wanted to know was what they found to be funny. The other security guard raised his voice at me warning me without cause that if I didn't become quiet that I would be escorted out of the library. Without raising my voice, I again quietly asked the reason for their action. At this point both uniformed security guards exerted their authority ordering me to leave. I quietly stated that I had done absolutely nothing to warrant an ejection. During the verbal exchange of questions as to whether they had the right to eject me for asking a question, one security guard became loud in demanding that I left the library or I could get barred for a time. At no point did I get loud, or abusive nor did I curse. One guard walked away from his post and told me to follow him out of the library. I complied and I followed.

The guard escorting me out of the library was heading towards the large revolving door which served both exit and entrance functions and as he entered one space, I tried to warn him that I could not exit out of that revolving door and that I usually use the disabled persons door where at the push of an actuator button, the door would open electronically. The guard ignored my protest by insisting that I immediately follow him out through the door. He hurriedly and forcefully entered causing the revolving door to gain momentum at a high speed. As I attempted

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to comply with the officers order by entering the revolving door, I got wedged between one edge of one stall and the partition. The guard ignored my being trapped and continued to try to force the door. I fell on my right shoulder and the impact caused excruciating pain. The officer did not fall. At the time I was wearing a biomedical device called a "Tens Unit" that was issued to me by the VA hospital to alleviate joint pain. It was prescribed for me along with pain medication for the bad right shoulder and I have to wear this so I can function throughout the day. The impact of the swinging door on my right shoulder displaced the wires connected to my shoulder and the battery got loose rendering the device useless to me. The pain caused my blood pressure to shoot sky high. All of this excitement caused me to drop my back pack with my blood pressure medication in it. I was reaching over to get at my medication when the guard kicked the back pack away from my reach. I begged him to let me get at my medication for my pains yet he just stood there and looked down at me. He then asked me if I wanted him to call 911 for help. I kept trying to reach at my backpack for my medication when he finally placed his foot between my hand and the backpack. At that point, my head started spinning and I became nauseous and starting to pass out from the pain. I kept telling the officer I needed my medicine quickly, but he would not help.

I explained to one attending fireman that I needed my heart medication which was in my backpack as he had taken my blood pressure and found that it was reading 200/124. This coupled with the fact I am a diabetic, momentarily caused me to black out. As this was occurring, I recall Sam 8 acting panicky.

The fire department then gave me the assistance that I should have received from the security guards in the first place. I could not function well enough to stand up on my own so the fireman summoned the EMTs. When the EMTs arrived they placed me on a gurney and at that point, the security guard (Sam-8) came out trying to get information from me regarding my identity and race in order to formalize a report on an incident so I could be blamed for the

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incident. The guard citing me stated that I would be barred from the library for fourteen days initially. As I was taken by gurney up to the third floor, the one guard was laughing and was addressing some thing to me in a very unseemly manner.

Prior to this incident, I have never had any problems with both the old library or the new one. When I eventually returned, I had other staff and security guards tell me that they could not understand why I had been barred. In addition to the physical and emotional harm caused by the accident, the loss of the use of the library has circumvented my efforts in pursuit of information on my patents and other productive projects that I initiated in the old library. The incident also interfered with my then travel plans overseas to my homeland because I felt I could not travel due to the need for medical treatment. Even now, when I visit the library, I suffer a high degree of anxiety and stress due to the fear of having a similar incident happen again.

I did not contest the exclusion order because I did not have an attorney at the time, and because of this incident, did not want to go back to the library until something was done about the security guards.

I was diagnosed with several disabilities by VA doctors in 1992. Attached is a true and correct copy of a determination by DSHS administrative law judge as to my disabled status.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED at Seattle, Washington, this 3rd day of February, 2008

Juan Tajalle

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NOTE TO PROCESSING CENTER
FURTHER ACTION NECESSARY

DEPARTMENT OF
HEALTH AND HUMAN SERVICES
Social Security Administration
OFFICE OF HEARINGS AND APPEALS

Refer to : 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

Juan A. Tajalle
202 6th Ave. South #403
Seattle, WA 98104

NOTICE OF FAVORABLE DECISION - PLEASE READ CAREFULLY

This Decision Is Favorable To You

- Another office will process the decision. You will receive a notice from that office.

- Your local Social Security office or another office may ask you to give more information before you receive the notice. If so, please answer promptly.

- If you hear nothing about this decision for 60 days, please contact your local Social Security office.

If You Think the Decision is Wrong

- You have the right to appeal. You must file your appeal within 60 days from the date you receive this notice. (It will be presumed that you received the notice within 5 days after the date shown below, unless you show us that you did not receive it within the 5-day period.)

- When you appeal, you request the Appeals Council to review the decision. If the Appeals Council grants your request, it will review the entire record in your case. It will review those parts of the decision which you think are wrong. It will also review those parts which you think are correct and may make them unfavorable or less favorable to you. You will receive a new decision.

• You (or your representative) have to ask for the appeal in writing. You may sign a form HA-520, called "Request for Review by the Appeals Council," or write a letter.

• You may submit your appeal to your local Social Security office, a hearing office, or mail it directly to the Appeals Council, Office of Hearings and Appeals, P.O. Box 3200, Arlington, VA 22203.

The Appeals Council May Review the Decision on its Own Motion

• Within 60 days from the date shown below, the Appeals Council may review the decision on its own motion. This could change the decision.

• After the 60-day period, the Appeals Council may reopen and revise the decision in certain situations.

• The Appeals Council will notify you if it decides to review the decision on its own motion or to reopen and revise the decision.

Unless you request review or the Appeals Council reviews the decision on its own motion, you may not obtain a court review of your case (sections 205(g), 1631(c)(3) or 1869(b) of the Social Security Act).

This notice and the enclosed copy of decision mailed

JUL 7 1992

cc:
Name and Address of Representative

James Causey, Jr.
Attorney-at-Law
205 3rd Ave. South
Seattle, WA 98104

Replaces Form HA-L502-U7

CLAIMS FOLDER

NOTE TO PROCESSING CENTER
FURTHER ACTION NECESSARY

DEPARTMENT OF
HEALTH AND HUMAN SERVICES
Social Security Administration
OFFICE OF HEARINGS AND APPEALS

DECISION

IN THE CASE OF	CLAIM FOR
	Period of Disability, Disability Insurance Benefits, and Supplemental Security Income
Juan A. Tajalle (Claimant)	
(Wage Earner)	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 (Social Security Number)

This case is before the Administrative Law Judge on a request for hearing timely filed on February 28, 1992. The claimant filed his applicationfor Title II on June 10, 1991 and for Title XVI on May 6, 1991, alleging disability since January 25, 1991. After proper notice, a hearing was held on May 20, 1992, in Seattle, Washington. The claimant personally appeared and testified and was represented by James Causey, Jr., Attorney at Law. C. Richard Johnson, M.D., a board-certified psychiatrist/neurologist appeared and testified as a medical expert witness. A summary of Dr. Johnson's unchallenged qualifications appears in the record as Exhibit 40. Robert R. Frohmader, a certified vocational rehabilitation counselor appeared and testified as an expert witness in vocational matters. A summary of Mr. Frohmader's unchallenged qualifications appears in the record as Exhibit 41. The Reverend Myer Urness, appeared and testified as a witness on the claimant's behalf. Exhibits 42 and 43 were received subsequent to the hearing.

The issues in this case are whether the claimant is under a "disability" as defined by the Social Security Act, and if so, when such disability commenced and the duration of the disability; and whether the insured status requirements of the Act are met for the purpose of entitlement to a period of disability and disability insurance benefits.

After a thorough evaluation of the entire record, it is concluded that the claimant has been disabled since January 25, 1991, the alleged onset date, and met the insured status requirements of the Social Security Act on that date and thereafter, through December 31, 1994.

The claimant was 47 years old on the date disability is alleged and has a 12th grade education. The claimant has not engaged in any substantial gainful activity since the alleged onset date. The claimant has the following impairments which are considered to be "severe" under the Social Security Act and Regulations: depression, recurrent severe headaches with accompanying visual disturbance, nausea, dizziness, and loss of judgment, degenerative joint disease of the right shoulder/adhesive capsulitis, degenerative joint disease of the lumbar spine, and alcohol dependence in remission. These impairments prevent the claimant from lifting more than 20 pounds occasionally 10 pounds frequently or standing/walking more than six hours in an eight hour day. The claimant's depression prevents him from responding appropriately to supervision, co-worker, and usual work situations. The claimant's memory and ability to concentrate are impaired and he has difficulty being around other people in stressful competitive situations. He has incapacitating headaches which will cause him to miss work at unpredictable intervals approximately twice a month.

RATIONALE

Based upon claimant's testimony regarding his daily activities, the opinion of his treating physician and physical evaluations, I conclude that the claimant has degenerative osteoarthritis of the lumbar spine and right shoulder which exertionally limits his residual functional capacity to light work (Exhibits 23-28; 34-35; and testimony).

The claimant has been diagnosed as suffering from a major depression, somatization disorder and alcohol dependence in remission (Exhibits 31-32; 36; 42; and testimony). He also experiences recurrent severe headaches which cause vision disturbances, nausea, dizziness, and a loss of judgment/anxiety. In the past he has described them as causing blackouts. These headaches have been evaluated as atypical migraine headaches or as a form of somatization. The claimant is currently taking three anti-depressants (Amitriptyline, Nortriptyline, and Imipramine) to ward off these headaches. These drugs cause periods of drowsiness. The claimant has testified that he does not take these drugs on a regular basis but primarily when his vision difficulties presage his headaches, and that with or without the anti-depressants his headaches cause him to sleep for extended periods of time, as much as one to two days (Exhibits 26-27; 29; 31; 35-36; and testimony).

The medical expert testified that the claimant was suffering from a moderate depression and that, while he met the evidentiary criteria for Listing Section 12.04-Affective disorders (level A), his functional limitations (level B), except for his problems with concentration, were not of listing level severity. Based upon the testimony of the medical expert, the claimant's testimony and my review of the record I have concluded that the claimant has a disturbance of mood accompanied by a full depressive syndrome evidenced by anhedonia, decreased energy, feelings of guilt or worthlessness, difficulty concentrating or thinking and thoughts of suicide (Exhibits 23; 36; 42; and testimony). The claimant's depression derives from the past death of his son, his current inability to obtain work at technical or financial levels which he has attained in the past, a period of homelessness, and the stress and withdrawal effects of his currently successful 18 month effort to maintain sobriety.

It is clear that when the claimant is experiencing his headaches his concentration, persistence and pace are markedly affected. He has testified that his lack of confidence makes if difficult for him to even think about asking for work and he has had to quit jobs in the past as a result of his headaches. A detailed listing of his jobs indicates that he has had more than 10 jobs in the period 1990 to 1991 which lasted for very short periods of time (Exhibit 43; and testimony).

The claimant has been treated since August 1990 on a monthly basis by a certified mental health counselor, Aleta G. Brunkel, M.A., who has provided a letter indicating that the claimant suffers from major depression, a somatization disorder and alcohol dependence in remission and that he has problems with concentration and memory, including occasional severe problems with short term memory, difficulty focusing on tasks and conversations, trouble making decisions, and difficulty completing tasks. He has trouble being around people, in crowded or noisy environments and little tolerance for stress. Ms. Brunkel has rated his ability to relate appropriately to co-workers and supervisors, and to interact appropriately in public contacts, and to respond appropriately to and tolerate the pressures and expectations of a normal work setting as markedly impaired and has indicated that he has displayed marked social withdrawal (Exhibits 36 and 42).

The claimant testified that he has occasions when he fears that he is "loosing it", and has to be around somebody he can trust - primarily the Reverend Urness. The Reverend corroborated this testimony. However both the claimant and the Reverend Urness also testified that the claimant does some volunteer work with the Reverend with homeless people and groups of young people.

The claimant has testified that he is able to handle his own personal needs and does his own cooking, shopping and housecleaning.

Based upon the testimony of medical expert and review of the record, I conclude that the claimant is only slightly restricted in the activities of daily living and has moderate difficulties in maintaining social functioning. However, he has frequent deficiencies in concentration persistence or pace resulting in failure to complete tasks in a timely manner in work-like settings or else where.

The vocational expert testified that given the claimant's concentration difficulties, he would not be able to perform his prior role of skilled and semi-skill work, would not have transferable skills, and given his inability to tolerate stress, or competitive situations, and his inability to work with co-workers, he could not recommend any jobs for the claimant except the work of security guard. On questioning by the claimant's attorney the vocational expert noted that even that job would be eliminated if the claimant's headaches caused him to be absent from work twice a month.

My review of the testimony of the claimant and Reverend Urness indicate that the claimant's limited concentration and limited ability to organize himself in a work setting would eliminate the job of security guard. While the claimant testified that he did some volunteer work assisting the Reverend Urness with young people, both the testimony of the Reverend and the vocational expert indicate that this activity, while it is therapeutic for the claimant, is limited in nature, and could not be transformed into a job without vocational rehabilitation.

The claimant's description of his limitations is consistent with the record when considered in its entirety. Based upon these findings, the claimant cannot perform his past relevant work. Additionally, the claimant does not have transferable skills to perform other work within his residual functional capacity and given his vocational factors of age, education and previous work experience, it is concluded that there are no jobs existing in significant numbers that the claimant is capable of performing. Therefore, it is found that the claimant is under a "disability" as defined by the regulations. The testimony of the vocational expert indicated that the claimant is eligible for vocational rehabilitation assistance. His condition should be reviewed in one year.

FINDINGS

After consideration of the entire record, the Administrative Law Judge makes the following findings:

1. The claimant met the insured status requirements of the Act on January 25, 1991, the date the claimant alleges disability commenced. The claimant has not performed any substantial gainful work activity since January 25, 1991.

2. The claimant's impairments which are considered to be "severe" under the Social Security Act are depression, recurrent severe headaches with accompanying visual disturbance, nausea, dizziness, and loss of judgment, degenerative joint disease of the right shoulder/adhesive capsulitis, degenerative joint disease of the lumbar spine, and alcohol dependence in remission.

3. The claimant's impairments do not meet or equal in severity the appropriate medical findings contained in Appendix 1, Subpart P of Regulations No. 4 (Listing of Impairments).

4. The claimant's allegations are found to be credible.

The claimant's impairments prevent him from lifting more than 20 pounds occasionally 10 pounds frequently or standing/walking more than six hours in an eight hour day. The claimant's depression prevents the claimant from responding appropriately to supervision, co-workers, and usual work situations. The claimant's memory and ability to concentrate are impaired and he has difficulty being around other people in stressful competitive situations. He has incapacitating headaches which would cause him to miss work at unpredictable intervals approximately twice a month.

The claimant is unable to perform his past relevant work.

The claimant was 47 years old on the date disability is alleged, which is defined as a younger individual, and has a high school education.

The claimant does not have transferable skills to perform other work within his physical and mental residual functional capacity.

Based upon the claimant's residual functional capacity, and vocational factors, there are no jobs existing in significant numbers which he can perform. This finding is based upon the framework of Medical-Vocational Rule 202.21.

The claimant has been under a "disability" since January 25, 1991.

DECISION

is the decision of the Administrative Law Judge that based on the application filed on June 10, 1991, the claimant is titled to a period of disability commencing January 25, 1991 d to disability insurance benefits under Sections 216(i) and 3 of the Social Security Act, respectively, and the claimant's sability has continued at least through the date of this cision.

DEPARTMENT OF
HEALTH AND HUMAN SERVICES
Social Security Administration
OFFICE OF HEARINGS AND APPEALS

ORDER OF ADMINISTRATIVE LAW JUDGE

IN THE CASE OF

Juan A. Tajalle
(Claimant)

(Wage Earner)

CLAIM FOR

Period of Disability, Disability Insurance Benefits, and Supplemental Security Income

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
(Social Security Number)

I approve the fee agreement between the claimant and his or her representative subject to the condition that the claim results in past-due benefits.

My determination is limited to whether the fee agreement meets the statutory conditions for approval and is not otherwise excepted. I neither approve nor disapprove any other aspect of the fee agreement.

Charlotte B. Hallam
Administrative Law Judge

JUL 7 1992
Date

CLAIMS FOLDER